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*Attorneys for Defendants*

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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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ESTHER ISRAEL,

Plaintiff,

v.

UNIVERSITY OF UTAH, DONALD  
STEVEN STRASSBERG, JORDAN  
ELIZABETH RULLO, JULIA  
MACKARONIS, KELLY KINNISH  
and MICHAEL MINER.

Defendants.

**REPLY MEMORANDUM IN  
SUPPORT OF MOTION FOR  
EXTENSION OF TIME TO FILE  
DISPOSITIVE MOTION**

Case No. 2:15-cv-00741

Judge Ted Stewart  
Magistrate Judge Paul M. Warner

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Defendants Donald Steven Strassberg, Jordan Elizabeth Rullo, Julia  
Mackaronis, Kelly Kinnish and Michael Miner, by and through counsel, Kyle J.

Kaiser, Assistant Utah Attorney General, provide the following Reply Memorandum in support of their request for a one-week extension of time to file their Motion for Summary Judgment.

[Federal Rule of Civil Procedure 6\(b\)\(1\)\(A\)](#) allows a court to extend the time for an act if the request is made before the original time expires and on good cause shown. A party must demonstrate “some justification for the issuance of the extension. However, an application for extension of time under [Rule 6\(b\)\(1\)\(A\)](#) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” 4B Wright, Miller, Kane, Marcus, Spencer, and Steinman, [Fed. Prac. & Proc. Civ. § 1165](#) (4th ed.). Defendants requested the extension before the deadline and provided two justifications for it. And Ms. Israel will not be prejudiced by the issuance of the extension.

Ms. Israel’s arguments in opposition are unavailing. She alleges that she was only provided 9 hours to respond to the extension request. Yet, “notice to the adverse party is [not] expressly required by the rule.” *Id.* And Counsel for Defendants believed it prudent to file the motion as soon as Counsel realized it was needed, rather than wait for a potential response (particularly because of the intervening weekend.) Counsel waited as long as practicable for a response from

Ms. Israel before filing the motion, and the relatively short response period should not foreclose the extension.

Second, Ms. Israel alleges that Counsel for Defendants “has provided no procedural accommodations for Plaintiff....” That is simply untrue. Ms. Israel requested an extension of time for discovery, and Defendants did not oppose it. (Doc. 52.) Defendants are willing to extend the time for Ms. Israel to respond to the Motion for Summary Judgment. (Ex. A. to Doc. 65.) Defendants did not agree to allow Ms. Israel to amend her complaint because the proposed amended complaint contained legally insufficient, and procedurally barred, claims. This Court agreed. (See Doc. 62.) Ms. Israel was asking for a substantive accommodation, the granting of which would have been highly prejudicial for Defendants, not simply correcting a “failure[] to include all claims in the original complaint.” (Doc. 65 at 2.) This argument is unavailing.

Accordingly, and for the reasons stated, Defendants respectfully request that the Court grant their motion and provide an extension, up to and including April 10, 2018 for Defendants to file their dispositive motion.

DATED: April 3, 2018.

OFFICE OF THE UTAH ATTORNEY GENERAL

/s/ Kyle J. Kaiser  
KYLE J. KAISER  
Assistant Utah Attorney General  
*Attorney for Defendants*

**CERTIFICATE OF MAILING**

I certify that on April 3, 2018, I electronically filed the foregoing **REPLY MEMORANDUM IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION**, and Proposed Order thereto, using the Court's CM/ECF system. I also certify that a true and correct copy of the foregoing was electronically mailed to the following:

Esther Israel  
estherisrael@yahoo.com  
*Pro Se*

/s/Shykell Ledford